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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/702,630	10/31/2000	Robert G. Gally	81674.026 4196	9667
27496	7590	12/28/2004	EXAMINER	
PILLSBURY WINTHROP LLP			BLOUNT, STEVEN	
725 S. FIGUEROA STREET			ART UNIT	
SUITE 2800			PAPER NUMBER	
LOS ANGELES, CA 90017			2661	

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/702,630

Applicant(s)

GALLY ET AL.

Examiner

Steven Blount

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/1/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,301,257 to Johnson et al in view of U.S. patent 6,128,296 to Daruwalla et al.

With regard to claim 1, Johnson et al teach: 1) a local switch that has “a table in internal memory associating the address, eg., MAC address, of a node in the network with the switch and port number” (ie, forwarding database, see col 3 lines 55+); 2) a remote switching processing device: “the appropriate switch responds to the query with the *switch and port number* of the switch and port to which the node having the destination address specified in the data packet is connected” (col 4 lines 15+). (While it is not explicitly stated that the “data packet” which does the querying is carried in a frame (more specifically, “unknown address frames”), the examiner believes that one of ordinary skill in the art would recognize that the distinction between packets and frames in this context is an obvious variation). Johnson et al do not, however, teach “flooding” the ports of the local switch when a destination address is unknown in the “table in internal memory.” Flooding under these circumstances is taught in Daruwalla et al. See col 4, lines 25+.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have flooded the ports of the local switch of Johnson et al when the destination address is unknown, in light of the teachings of Daruwalla et al, in order to provide a distributed switching system wherein the destination switches may be located in an effective manner.

With regard to claim 2, see the above, and further note the "dtag" mentioned in col 4 lines 14+ and 25+) and shown in figure 3.

With regard to claims 3 - 4, see the rejection of claim 1 above.

With regard to claim 5, Lan 120 is an Ethernet Lan.

With regard to claim 6, see col 3 lines 55+.

With regard to claim 7, the use of broadcast messages, while not explicitly stated to be of "higher" priority, are suggested to be this.

With regard to claim 8, note the table mentioned in col 8 lines 55+.

With regard to claims 9 – 17, see the rejections of claims 1 – 8 above where the method steps are described in the rejection of the apparatus claims. Note in particular the use of flooding (as taught in the Daruwalla et al reference, as discussed above) with respect to claim 9, the use of dtag with respect to claim 10, Ethernet Lan 120 with respect to claim 13, the use of broadcast messages with respect to claim 15, and the table mentioned in col 8, lines 55+ with respect to claim 16.

With regard to claim 18, see the rejection of claim 1, and note that the ingress switch engine number and port number are forwarded to the "egress switch" (ie, the switch that originally sends out the query packet described in col 4 line 11) and mapping

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the "source address" (ie, the address of the ingress switch) to the ingress switches engine number and port number as described in col 4 lines 16+. Once again, note the obvious distinction between frames and packets as is discussed with respect to the rejection of claim 1 above.

With regard to claim 19, see figure 3.

With regard to claims 20 - 22, see columns 3 – 4 and the discussion above.

With respect to claim 23, see the rejection of claim 1 above.

3. Applicants arguments are moot in view of the new grounds of rejection. Further, it is noted that, in the examiners view, recently discovered patent 6,128,296 to Daruwalla et al nearly teaches the invention on its own (see especially col 4, lines 58 – 64).

4. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or, the response may be faxed to: (703) 872-9306.

For formal communications intended for entry, or for informal or draft communications, please label "PROPOSED" OR "DRAFT".

Any inquiry concerning this communication should be directed to Examiner Steven Blount, whose telephone number is (571) 272 – 3071.

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Examiner Blount may normally be reached Monday through Friday between the hours of 9:00 and 5:30. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Kenneth Vanderpuye, may be reached at (571) 272 – 3078.


Ajit Patel
Primary Examiner
Primary Examiner

SB



12/22/04